

2005 Assembly Bill 1174

Date of enactment: **May 29, 2006**
Date of publication*: **June 12, 2006**

2005 WISCONSIN ACT 473

AN ACT *to create* 21.74 (9) of the statutes; **relating to:** suspension or termination of mobile telephone contracts by members of the military.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 21.74 (9) of the statutes is created to read:
21.74 (9) (a) In this subsection:

1. "Commercial mobile service" has the meaning given in 47 USC 332 (d).

2. "Contract" means an agreement between a person in military service and a mobile telephone service provider that requires the person in military service to pay the mobile telephone service provider a monthly fee in exchange for the use of a mobile telephone.

3. "Mobile telephone service provider" means a person that is authorized by the federal communications commission to provide commercial mobile service.

(b) This subsection applies to a contract to which all of the following apply:

1. The contract was executed by or on behalf of a person in military service who entered active military duty after the contract was executed.

2. The contract covers a period in excess of one month.

(c) A person in military service may suspend or terminate a contract to which this subsection applies without any penalties or additional fees at any time after the service member has been issued orders into active duty by giving written notice to the mobile telephone service

provider. The service member shall include a copy of the orders into active duty as part of the notice. The notice may be given by 1st class mail to the address provided in the agreement with the mobile telephone service provider or provided in the mobile telephone service provider's billing statement or by delivering the notice to the mobile telephone service provider's branch office.

(d) Suspension or termination shall be effective 30 days after the first date on which the next payment is due and payable after the date on which the notice is mailed.

(e) Any amount paid in advance under the contract for a period after the effective date of the suspension or termination of the contract shall be refunded to the lessee by the lessor within 30 days after the effective date of the suspension or termination of the contract.

(f) Upon application of a mobile telephone service provider after receiving notice under this subsection and before the contract suspension or termination date provided for under par. (d), a court may make such modifications to or restrictions on the relief granted in this subsection as the court determines are appropriate under the circumstances.

(g) If a mobile telephone service provider assesses a person in military service any penalty or fee after the person has suspended or terminated the contract under par. (c) or fails to make any refund required under par. (e), the service member shall have the right to bring an action for

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

damages. If the service member prevails in an action brought under this paragraph, the court shall order the

mobile telephone service provider to pay the service member exemplary damages of \$2,000.
